

ORDINANCE NO. _____

The City Attorney has prepared the following summary of Ordinance Number _____.

Ordinance Number _____ proposes an amendment to Calexico Municipal Code Section 5.20.020 regarding business license fees for unspecified businesses. This ordinance provides that each business, including home occupations, for which a business license fee is issued under this section, must pay \$25 per quarter, with the exception of a business conducting retail, wholesale/ manufacturing, retail food, or new and used automobile sales which license is based on gross receipts.

A copy of the ordinance is available for review in the City Clerk's Office at City Hall located at 608 Heber Avenue, Calexico, California. This ordinance was introduced at the regularly scheduled City Council meeting of November 18, 2008. It is scheduled for adoption at the regular meeting of December 2, 2008.

CITY COUNCIL AGENDA REPORT

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO AMENDING CHAPTER 5.20.020 "UNSPECIFIED BUSINESSES" TO SET THE BUSINESS LICENSE TAX RATE FOR UNSPECIFIED BUSINESSES, INCLUDING HOME OCCUPATIONS

AGENDA DATE: December 2, 2008

PREPARED BY: Ralph Velez, City Manager

APPROVED FOR AGENDA BY: Ralph Velez, City Manager

RECOMMENDATION: City Council is requested to take the following action:

1. Approve Second Reading of Ordinance No. ____ adopting the amended Chapter 5.20.020 "Unspecified Business" of the City of Calexico Municipal Code.

FISCAL IMPACT: Increased business license revenues to the City.

CURRENT DISCUSSION: On November 18, 2008 the City Council approved the first reading of the ordinance adopting the amended Chapter 5.20.020 "Unspecified Businesses" of the City of Calexico Municipal Code.

Section 5.20.020 refers to "Unspecified Businesses" defined as a business that is not specifically covered by the business license chapter or any other ordinance of the City of Calexico. Home Occupation businesses are also referenced under Section 5.20.020, however, no license fee was authorized by Ordinance 686, adopted in 1975.

We are recommending the fee for unspecified businesses, including home occupations, be set at \$25 per quarter, so that the fee is similar to the category of businesses, professions, or occupations listed in Section 5.20.170 Twenty-five dollars per quarter. In some instances, if a business is conducting retail, wholesale/manufacturing, retail food, or new and used automobile sales, the fee will be based on gross receipts.

Attachment: Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CALEXICO AMENDING CHAPTER 5.20.020 "UNSPECIFIED
BUSINESSES" TO SET THE BUSINESS LICENSE TAX RATE FOR
UNSPECIFIED BUSINESSES, INCLUDING HOME OCCUPATIONS**

WHEREAS, unspecified businesses, including home occupations, are licensed and regulated by the City pursuant to the Calexico Municipal Code; and

WHEREAS, the typical business license issued to unspecified businesses is similar to the category of businesses, professions, or occupations specified in 5.20.170 of the Calexico Municipal Code; and

WHEREAS, the license for home occupations was established in 1975 with no provision for a license fee; and

WHEREAS, the City Council now wishes to set a rate to be charged for operating a home-based business.

NOW, THEREFORE, the City Council of the City of Calexico does ordain as follows:

SECTION 1. That the above-listed recitals are true and correct.

SECTION 2. Chapter 5.20, Section 5.20.020 is hereby amended to read as follows:

"5.20.020 Unspecified Businesses.

- A. For every business, firm or corporation conducting, carrying on or engaging in any business within the city not specifically covered by this chapter or any other ordinance of the city, the license fee shall be the sum of twenty-five dollars per quarter.
- B. "Home Occupations," as defined in Section 17.08.410, means an occupation customarily conducted entirely within a dwelling by the occupant of the dwelling as a secondary use in connection with which there is no display, no stock or trade or commodity sold upon the premises, and no persons employed. The sum of twenty-five dollars per quarter shall be charged for a home occupation license, with the exception of those businesses conducting or carrying on retail, wholesale/manufacturing, retail food, or used and new auto dealers, as specified in other sections of the Calexico Municipal Code for which the license fee is based on gross receipts.

SECTION 3: This ordinance will take effect thirty (30) days after the date of its passage and adoption.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion hereof, irrespective of that fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause this ordinance, or a summary thereof, to be published as required by law.

PASSED, APPROVED AND ADOPTED this ____ day of December, 2008.

Louis Fuentes
Mayor

ATTEST:

Lourdes Cordova
City Clerk

APPROVED AS TO FORM:

Jennifer M. Lyon
City Attorney

I, Lourdes Cordova, City Clerk of the City of Calexico and ex-officio Clerk of the Council, do hereby certify under penalty of perjury that the foregoing is a true and correct copy of Ordinance No. ____ that was duly and regularly introduced at a regular meeting of said City Council held on ____, 2008 and was adopted by said City Council at a regular meeting held on ____, 2008, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lourdes Cordova, City Clerk